



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations



27162

PATENT TRADEMARK OFFICE

Applicant(s): Burnside, et al.

Serial No: 09/872,173

Art Unit: 1615

Filed: June 1, 2001

Examiner: Unassigned

Title: System for Osmotic Delivery of Pharmaceutically Active Agents

Docket No.: 550750-175

Customer No.: 27162

RECEIVED

SEP 12 2002

OFFICE OF PETITIONS

TRANSMITTAL LETTER

Office of Special Program Examination
Commissioner for Patents
Washington, D.C. 20231

SIR:

Enclosed please find the following:

1. Notification of Error in Claiming Small Entity Status Under 37 C.F.R. 1.28(c) (2);
2. Check No. 8466 in the amount of \$450.00; and
3. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit **Account No. 03-0678**.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Office of Special Program Examination
Commissioner for Patents
Washington, D.C. 20231

Elliot M. Olstein
Elliot M. Olstein, Esq.

9/5/02
Date

Respectfully submitted,

Elliot M. Olstein
Elliot M. Olstein, Esq.
Reg. No. 24,025

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 Serial No. : 09/872,173
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Office of Special Program Examination
 Office of the Assistant Commissioner of Patents
 Washington, D.C. 20231

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NOTIFICATION OF ERROR
IN CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. 1.28(c) (2)

Dear Sir:

Please be advised that the assignee erroneously, but in good faith, claimed small entity status with respect to the above-referenced application such that the filing, and issue fees and extra claim fees were accordingly paid under this mistaken belief. The assignee lost small entity status in December 1999, but inadvertently continued to pay small entity fees subsequent to such date.

Applicants respectfully request that the United States Patent and Trademark Office note this change in status and accept the enclosed payment for any deficiency in the filing fees pursuant to 37 C.F.R. 1.28 (c) (2).

Accordingly, please find enclosed our check in the amount of \$450.00 to cover any deficiency between the amount paid claiming small entity status and the amount actually presently due as calculated pursuant to the following:

Adjustment date: 09/12/2002 BNGUYEN1
 01/09/2002 SSANDARA 00000005 09872173
 01 FC:205 65.00 OP
 Adjustment date: 09/12/2002 BNGUYEN1
 06/06/2001 TGEDAMU1 00000039 09872173
 01 FC:201 -355.00 OP

09/12/2002 BNGUYEN1 00000014 09872173

01 FC:101
 02 FC:105

740.00 OP
 130.00 OP

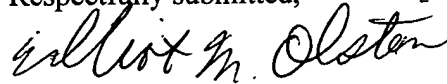
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FEES PRESENTLY DUE

Filing Fee	\$ 740.00
Filing of Missing Parts	\$ 130.00
Subtotal	\$ 870.00
Filing Fee	\$ 355.00
Filing of Missing Parts	\$ 65.00
Subtotal	\$ 420.00
Total Amount Due.....	<u>\$ 450.00</u>

If there are any ADDITIONAL FEES, kindly charge or credit any overpayment to
Deposit Account No. 03-0678.

Respectfully submitted,



Elliot M. Olstein

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